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DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207

22 September 1978

Ronald L. Mustard, Director
Office of Federal Activities
EPA - Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Mustard:

Thank you for your letter of 5 September 1978 to Colonel Daniel D. Ludwig, District Engineer. A Corps inspector will conduct an investigation of past and current landfills in Abrams Creek.

We will advise you as to the results of the investigation when it is completed.

Sincerely yours,

PAUL F. GAUME, Chief
Regulatory Functions Branch

US EPA RECORDS CENTER REGION 5



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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST
CHICAGO, ILLINOIS 60604

SEP 05 1978

Colonel Daniel D. Ludwig
District Engineer
U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, New York 14207

Dear Colonel Ludwig:

I am writing this letter to express our concerns regarding past and current landfill/waste disposal activities in Abrams Creek, City of Brook Park, Ohio. Since these activities are in violation of section 13 of the 1899 Rivers and Harbor Act, and sections 301, 306 and 404 of the Clean Water Act of 1977, we request that the U.S. Army Corps of Engineers (COE) take immediate action to halt the occurrence of these activities by issuing a cease and desist order to the participating entities. We intend to take any possible enforcement action against the responsible parties for the damages sustained in the stream and receiving waters.

We have informed Mr. Fred Mueller of your staff about the landfills described in the attached report. We are requesting your support in requiring the immediate stabilization of past landfill containment structures in Abrams Creek. The restoration of the Abrams Creek valley to its former condition may also be necessary if the fill material is found to cause adverse water quality effects due to the presence of toxic substances, and to restrict stream flows that result in flooding upstream. Leachate test data submitted by the Federal Aviation Administration (FAA) reveals the waste foundry sand to contain high concentrations of phenols, oil and grease, heavy metals, and phosphorus. We will also conduct our own analyses of the material for many of the same and other parameters. Thank you for informing us of our earlier 1975 involvement in landfilling activities of Abrams Creek. We apologize for not following up on the matter with your office, but it appears that our files on the activities were lost or discarded.

Your January 17, 1978, letter indicated that the landfill activity on Cleveland Hopkins International Airport property "should initially be regulated through the NPDES program." Apparently, neither the Ford Motor Company nor its contractors for removing waste foundry sand obtained an NPDES permit for discharging foundry sand into Abrams Creek. The present NPDES permit for Ford Motor Company does not place restrictions on the off-site disposal of foundry sand and other waste materials. An NPDES permit cannot be issued after the fact for a prior discharge

even though that discharge still contributes to the degradation of Abrams Creek water quality via erosion. However, enforcement action can still be initiated against those parties responsible for any unlawful discharge. It is because enforcement actions can involve considerable time delays that we are requesting your assistance in halting current and future disposal activities in this creek, and in imposing remedial measures on sites where determined necessary.

We have been informed by Messrs. Assmus and Boyle, Councilmen of the City of Brook Park, (copies of their letters are enclosed) that land-filling operations are occurring along and in Abrams Creek upstream of Grayton Road with the consent of the City of Brook Park. Our Eastern District Office conducted a site inspection with the Councilmen and verified the occurrence of these activities. Mr. Assmus told us that a contractor for Ford Motor Company is one of several operators currently depositing waste materials in Abrams Creek. From documents submitted by Councilman Assmus, it appears that the Administration of the City of Brook Park approved some portion of the waste disposal activities in Abrams Creek and associated wetlands. These same documents refer to the Stevens Painton Corporation, Volkswagon, Ford Motor Company and Boya Excavating as being involved in some way with the unlawful activities that occurred in Abrams Creek. Our Enforcement Division is currently investigating the ongoing landfill/waste disposal activities and seeking to determine the responsible parties. These parties will be prohibited from future dumping in the creek and its floodway. Any future waste disposal actions in Abrams Creek will require the acquisition of an NPDES permit and a section 404 permit before any work may be performed there. We have also alerted the Ohio Environmental Protection Agency because the ongoing activities are subject to Ohio State law.

The Councilmen have expressed considerable concern regarding the pollutional nature of these waste materials, the effect of the materials on flood flows in Abrams Creek, and increased community noise due to the destruction of the tree buffer between residences and the airport by landfill operations. Should the COE's investigations prove that the landfill waste material cause increased upstream flooding on Abrams Creek, or our investigations verify that the material contains toxic pollutants, we may recommend that the material be removed from the floodway and the entire creek be restored.

Your attention to this matter would be appreciated. Should you need additional information, please contact Mr. Robert L. Kay at 312/353-2307.

Sincerely yours,



Ronald L. Mustard, Director
Office of Federal Activities

Enclosures